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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,414	03/12/2001	Gregory P. Lewis	MEDN117116	3502

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EXAMINER
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FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,414

Applicant(s)

LEWIS ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the Amendment filed 09/20/04. Claim 7 has been amended. Claims 1-18 are pending.

2. Applicant's arguments filed on 9/20/04 are persuasive, therefore, the previous Office Action has been withdrawn and new Office Action is presented.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (6,032,119).

(A) As per claim 1, Brown discloses a computer-readable medium having computer-executable component for enabling a user to access healthcare information (Brown, Abstract; Col.3, lines 65-Col.4, line 9), the computer-executable component comprising: an anatomic user interface for displaying an anatomic model from which the user selects an anatomic structure of interest (Brown, Col.6, lines 46-65), wherein upon selection of the anatomic structure, the anatomic user interface displays the healthcare information that is associated with the selected anatomic structure (Brown, Col.6, lines 62-Col.7, line 14).

(B) As per claim 2, Brown discloses the computer-readable medium wherein the healthcare service order information comprises a treatment plan for a patient consisting of a predetermined sequence of healthcare service orders (Fig.5 F-G; Col.7, lines 9-14).

(C) As per claim 3, Brown discloses the computer-readable medium having a further computer-executable component comprising an order engine for submitting an order for at least one healthcare service to a service provider (Col.6, lines 30-44).

(D) As per claim 4, Brown discloses the computer-readable medium wherein the order engine submits a plurality of orders comprising a treatment plan to a service provider (Col.51-67 to Col.6, line 45).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (6,032,119) in view of Berman et al (5,995,939).

(A) As per claim 5, Brown discloses the computer-readable medium wherein the order engine automatically (The Examiner interprets prescribed treatment to be a form of order See Brown, Col.4, lines 4-41). Brown does not explicitly disclose notifies the user in real-time if the order is accepted by the service provider or if the authorization for the order is received from the payor.

However, this feature is known in the art, as evidenced by Berman. In particular, Berman suggests notifies the user in real-time if the order is accepted by the service provider or if the authorization for the order is received from the payor (See Berman, Col.4, lines 3-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Berman within the system of Brown with the motivation of providing service provider processes the service request message and the results are formatted into a fulfilled service request message, which the sponsor system e-mails back to the requesting client using the mail server system (See Berman, Col.2, lines 46-49).

(B) As per claim 6, Brown discloses the computer-readable medium wherein the order identifies the at least one healthcare service, a medical event associated with the healthcare service and at least one medical encounter associated with at least one healthcare service (See Brown, Col.6, lines 30-45).

(C) As per claim 7, Brown discloses in a computer system, a method for accessing healthcare information for a patient, the method comprising: displaying an anatomical model of the patient in a display device of a computer system (Brown, Col.3, lines 65-Col.4, line 9); using navigating the anatomic model to drill down to and select anatomic structure of the patient with an input device connected to the computer system (See Brown, lines 65-Col.4, line 9).

Brown does not explicitly disclose displaying healthcare information associate with the selected anatomic structure on the display device, wherein the healthcare information comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information.

However, this feature is known in the art, as evidenced by Berman. In particular, Berman suggests displaying healthcare information associate with the selected anatomic structure on the display device, wherein the healthcare information comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information (See Berman, Col.3, lines 40-67 to Col.4, line 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Berman within the system of Brown with the motivation of providing service provider processes the service request message and the results are formatted into a fulfilled service request message, which the sponsor system e-mails back to the requesting client using the mail server system (See Berman, Col.2, lines 46-49).

(D) As per claim 13, Brown discloses a system for assessing healthcare information comprising: a user computer operative to: display an anatomic model of the patient enable the user to drill down to and select an anatomic structure of the patient from a higher-level anatomic model (Brown, Col.3, lines 65-Col.4, line 9); and display healthcare information associated with the selected anatomic structure (Brown, Col.6, lines 46-67); and an application server operative to: receive the selected structure from the user computer (Brown, Col.3, lines 40-67).

Brown does not explicitly disclose provide the user computer with the healthcare information associated with the selected anatomic structure for display, wherein the healthcare information comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information.

However, this feature is known in the art, as evidenced by Berman. In particular, Berman suggests provide the user computer with the healthcare information associated with the selected anatomic structure for display, wherein the healthcare information

comprises medical history information for a patient including healthcare service order information, medical event information and medical encounter information (See Berman, Col.3, lines 40-67 to Col.4, line 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Berman within the system of Brown with the motivation of providing service provider processes the service request message and the results are formatted into a fulfilled service request message, which the sponsor system e-mails back to the requesting client using the mail server system (See Berman, Col.2, lines 46-49).

(E) Claims 8-12 and 14-18 repeat the subject matter of computer-readable medium of claims 2-6, respectively, as a series of steps rather than a set of apparatus elements. As the underlying structure of claims 2-6, have been shown to be fully disclosed by the teachings of Brown and Berman in the above rejections of claims 2-6, it is readily apparent that the computer-readable medium disclosed by Brown and Berman includes the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for computer-readable claims 2-6, and incorporated herein.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

February 18, 2005



**ALEXANDER KALINOWSKI**  
**PRIMARY EXAMINER**